

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**IN RE: BLUE BUFFALO COMPANY,  
LTD. MARKETING AND SALES  
PRACTICES LITIGATION**

**Case No. 4:14 MD 2562 RWS**

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**OBJECTOR PAUL LOPEZ'S MOTION FOR LEAVE TO FILE SUR-REPLY  
MEMORANDUM IN OPPOSITION TO MOTION FOR APPEAL BOND**

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On July 29, 2016, Class Counsel moved for a FED. R. APP. P. 7 appeal bond, requesting \$25,000 in appeal-related costs, \$60,000-\$80,000 in administrative costs, \$13,334 in delay costs and interest, and \$51,975 in attorneys' fees. Doc. 232, 233.

Class Counsel's memorandum in support (Doc. 233) contained 26 pages of text and Paul Lopez, Class Member and Objector, did not object to Class Counsel's motion for leave to file additional pages (Doc. 231).

Mr. Lopez filed his Memorandum in Opposition to Motion for Appeal Bond on August 5, 2016. Doc. 237. It contained 15 pages of text.

Class Counsel requested leave to file a reply memorandum out of time and in excess of the page limit. Doc. 240. Mr. Lopez consented to both requests. *Id.*, p. 2, ¶ 4. Class Counsel's reply brief contained 20 pages of text. Doc. 252 (as amended).

Because the Class Counsel's reply memorandum contains new material inaccurately representing the law in the Eighth Circuit, Mr. Lopez urges that this Court grant his motion for leave to file a Sur-Reply Memorandum in Opposition to Class Counsel's Motion for Appeal Bond.

The proposed sur-reply memorandum will contain no more than five pages of text.

Counsel for Mr. Lopez has requested Class Counsel to consent to the filing of this five-page sur-reply, but Class Counsel has refused.

### CONCLUSION

Objector respectfully requests that this Court grant his Motion for Leave to File Sur-Reply Memorandum in Opposition to Motion for Appeal Bond, not to exceed five pages of text, and that he be permitted to file the Sur-Reply Memorandum on or before August 25, 2016, which is seven days after Class Counsel filed their Reply on August 18, 2016.

DATED: August 21, 2016

Respectfully submitted,

/s/ Timothy Belz

Timothy Belz, Bar No.: MO31808

J. Matthew Belz, Bar No.: MO61088

Ottson, Leggat & Belz, L.C.

112 S. Hanley, Suite 200

St. Louis, MO 63105

Telephone: (314) 726-2800

Facsimile: (314) 863-3821

Email: tbelz@olblaw.com

Email: jmbelz@olblaw.com

Attorneys for Objector/Class Member Paul Lopez

**Certificate of Service**

The undersigned certifies that today he filed the foregoing Motion for Leave to File Sur-Reply Memorandum on ECF which will send electronic notification to all attorneys registered for ECF thus effectuating service.

DATED: August 21, 2016

/s/ Timothy Belz  
Timothy Belz